

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

)  
) CR 3-39  
) CV 8-124

EUGENE STURDIVANT

**MEMORANDUM ORDER**

On April 17, 2008, this Court ruled on Defendant's Motion to Vacate pursuant to 28 U.S.C. § 2255. Now pending is Defendant's Motion to Amend Pleading regarding that Motion to Vacate, intended, as Defendant states, to clarify his arguments and add weight to his original pleading. In the first instance, because the Motion to Vacate was long ago disposed of, there is no pending pleading subject to amendment. Thus, the Motion to Amend is moot. Therefore, the Motion (Docket no. 74) is DENIED.

AND NOW, this 21<sup>st</sup> day of November, 2011, it is so ordered.

BY THE COURT:



Donetta W. Ambrose

Senior Judge, U.S. District Court